

COLORADO STATE BOARD OF PHARMACY
May 19, 2011

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Jeannine Dickerhofe, R.Ph., at approximately 8:30 a.m. on Thursday, May 19, 2011 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Jeannine Dickerhofe, R.Ph.; Leonard L. Hierath, P.E.; Paul Limberis, R.Ph.; Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Susan Martin, R.Ph., Inspector; Chris Gassen, R.Ph., Chief Inspector; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present were Jo Kaye, Assistant Attorney General, and Jack Wesoky, Senior Assistant Attorney General, to advise the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the April 21, 2011 meeting as amended.

REPORTS

President's Remarks

Ms. Dickerhofe announced that the Colorado Pharmacists Society recently participated in a program at the Greeley Police Department regarding pharmacy robberies.

Program Director's Report

Ms. Anderson informed the Board that the Prescription Drug Monitoring Program (PDMP) Sunset bill (Senate Bill 11-192) passed the Colorado Legislature with a new Sunset date for July 21, 2021. Significant revisions to the PDMP from the legislature, which will go into effect July 1, 2011, include: (1) a requirement of pharmacies and prescribing practitioners to disclose to patients who are receiving controlled substance prescriptions that his/her prescription information will be loaded into the PDMP and may be queried by authorized individuals; and (2) medical residents and pharmacists providing clinical services will have access to the PDMP regarding patients for which they are providing services.

Colorado Pharmacists Society (CPS) – Paul Limberis, RPh

The CPS Annual Summer Meeting will be held on June 9-11, 2011, in Estes Park, Colorado, where 11 hours of continuing education will be offered.

The American Society of Health-System Pharmacists Annual Summer Meeting will be held on June 12-15, 2011, at the Colorado Convention Center in downtown Denver, and it will provide an excellent opportunity for continuing education and networking.

Planning has begun for the 2011 CPS Annual Fall Meeting which will be held on October 13-15, 2011 at the Doubletree Denver Technological Center. Details will be available on the CPS website.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

No report was provided at this meeting. The meeting of the GEEERC that was scheduled for May 12, 2011 was cancelled and rescheduled for Thursday, August 11, 2011.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Marianne McCollum, Interim Dean of the Regis University School of Pharmacy, reported that 75 students will enroll for the Class of 2015. Dr. McCollum also reported that the school is still actively interviewing for a new dean and that ten additional faculty members were recently added to the school. Additionally, Dr. McCollum reported that the school is in the process of generating an advanced pharmacy practice experiential training program.

No report was provided by the University of Colorado Denver School of Pharmacy at this meeting.

Legislation - Jeannine Dickerhofe, RPh

Jeannine Dickerhofe reported on the results of the following bills from the 2011 Legislative Session:

- Senate Bill 11-192 – Prescription Drug Monitoring Program Sunset (Passed);
- Senate Bill 11-196 – Pseudoephedrine a Schedule III Controlled Substance (Killed); and
- Senate Bill 11-088 – Midwives Sunset (Passed).

OLD BUSINESS

Complaints

Caremark Florida Mail Pharmacy, LLC, OSP 5502 & Case 2010-3844

The Board reviewed an Agenda Memorandum from Mr. Gassen and voted unanimously to refer the matter to Executive Session for discipline.

Miscellaneous

Board Rule 3.01.10(b) & Contractual Affiliation

The Board reviewed an Agenda Memorandum from Mr. O'Neill regarding research of the term "contractual affiliation" and its use in other states.

After due consideration of the available information, the Board voted to table action on the matter pending additional information.

NEW BUSINESS

Complaints

Charles A. Argana, RPH 13514 **2011-3327**
The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Rodney J. Diffendaffer, RPH 14639 **2011-3321**
The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

George L. Skiffington, RPH 7210 **2011-2237**
The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Sky Ridge Medical Center, PDO 168-1 **2011-3974**
Paul Limberis recused.

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Steven Porter, RPH 16166 **2011-3991**
Paul Limberis recused.

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Target Pharmacy # T-1806, PDO 517 **2011-3462**
The Board voted unanimously to dismiss this case as being without merit.

University of Colorado Hospital Pharmacy, PDO 533 **2011-3296**
The Board voted unanimously to dismiss this case as being without merit.

Clearspring Pharmacy, Ltd, PDO 79-62 **2011-3292**
The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Walgreen Pharmacy # 1769, PDO 243 **2011-4212**
The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Walgreen Pharmacy # 1769, PDO 243

2011-3850

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

Walgreen Pharmacy # 4043, PDO 24-74

2011-3317

The Board voted unanimously to dismiss this case as being without merit.

LICENSING/REGISTRATION

Home Care Services, Inc., OSP Applicant

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding an application submitted by Home Care Services, Inc. for a nonresident prescription drug outlet registration and, after due consideration of the available information, voted unanimously to table further consideration of the application pending receipt of additional information.

ASD Specialty Healthcare, Inc., WHO 7010

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding an application submitted by ASD Specialty Healthcare, Inc. for a change in its designated representative, and voted unanimously to refer the matter to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time.

AmerisourceBergen Drug Corporation, WHO 7201

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding an application submitted by AmerisourceBergen Drug Corporation for a change in its designated representative, and voted unanimously to refer the matter to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time.

Anthony Miller, Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding an application submitted by Mr. Miller for a pharmacy intern license and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to deny the application. Grounds for denial were noted to include, but were not limited to, CRS 12-22-125(1)(b), (c) and (k).

MISCELLANEOUS

Correspondence, etc.

Boettcher Health Center (Colorado College), OO 339

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a petition filed on behalf of Boettcher Health Center (Colorado College) to reduce the inspection/visitation frequency of its consultant pharmacist at this other outlet.

After due consideration of the available information, the Board voted unanimously to deny the outlet's request to reduce the inspection/visitation frequency throughout the year, but to grant the outlet's request to reduce the frequency to quarterly during the months of June, July and August.

CaremarkPCS Pennsylvania Mail Pharmacy, OSP 5377

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding the nonresident prescription drug outlet registration of CaremarkPCS Pennsylvania Mail Pharmacy, and voted unanimously to refer the matter to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the matter. The Board found that there was no reasonable cause to warrant further action at this time.

Pharmacopeial Forum Vol. 37(1) {Jan-Feb 2011} Prescription Container Labeling

The Board noted the information.

Pharmacy Peer Health Assistance Diversion Program

The Board noted the information.

National Association of Boards of Pharmacy (NABP) 107th Annual Meeting

The Board noted the information.

Proposed Amendments to the Constitution and Bylaws of the National Association of Boards of Pharmacy (NABP)

The Board noted the information.

Proposed Resolutions, National Association of Boards of Pharmacy (NABP) 107th Annual Meeting

The Board noted the information.

EXECUTIVE SESSION

At 9:45 a.m., Board President Jeannine Dickerhofe moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with four votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 11:03 a.m.

Open Session

Case 2011-3009

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Case 2011-3637

Jeannine Dickerhofe recused.

The Board voted unanimously to dismiss this case as being without merit.

ADJOURNMENT

The Board adjourned at 11:29 a.m.

Approved by Jeannine Dickerhofe, R.Ph., President Date: July 21, 2011.